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**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
BUTTE DIVISION**

THE IMPERIAL SOVEREIGN COURT
OF THE STATE OF MONTANA;
ADRIA JAWORT; RACHEL
CORCORAN; MONTANA BOOK
COMPANY; IMAGINE BREWING
COMPANY, LLC d/b/a IMAGINE
NATION BREWING COMPANY;
BUMBLEBEE AERIAL FITNESS; THE
WESTERN MONTANA COMMUNITY
CENTER; MONTANA PRIDE; THE
GREAT FALLS LGBTQ+
COMMUNITY CENTER; THE ROXY
THEATER; and THE MYRNA LOY,
Plaintiffs,

vs.

AUSTIN KNUDSEN; ELSIE
ARNTZEN; and J.P. GALLAGHER,
Defendants.

Cause No.
CV-23-50-BU-BMM

**Statement of Stipulated
Facts as to
Counts I & II**

Pursuant to Local Rule 16.2(b)(3) and the Court's Order dated November 6, 2023 (Doc. 37), Plaintiff Adria Jawort and Defendant J.P. Gallagher jointly submit the following stipulated facts regarding Counts I and II of the First Amended Complaint (Doc. 3):

1. Plaintiff Adria Jawort is a journalist and author, a transgender woman, and a Two-Spirit member of the Northern Cheyenne Tribe.

2. Jawort was scheduled to give a lecture on June 2, 2023 at the Butte-Silver Bow Public Library ("BSB Library") as part of BSB Library's First Friday lecture series.

3. Jawort was expected to discuss Montana Two-Spirit and transgender history.

4. Prior to her scheduled talk, Jawort posted the following message on Twitter:

"PROHIBITING DRAG STORY HOUR IN SCHOOLS AND LIBRARIES..."

And I will def have a book & sexuality will be discussed & minors may be present, & the State of Montana doesn't legally recognize people being trans, so...

[Photo of HB 359's definition of drag queen next to photo of Jawort]

I do an LGBTQ/2 Spirit history lecture at a library June 2.
I'm really entertaining at this one, too.

#MostHumblest

BUT this literally might be illegal in Mont. as a
flamboyantly dressed trans woman.

I don't get paid, but in fascist red state you pay state 4 "crimes"
instead. 😊

5. Based on the ambiguous language of HB 359, possible
criminal penalties and civil liability associated with violating HB 359,
and statements made by Jawort, Gallagher decided to cancel the lecture
until BSB could ensure that Jawort's talk would not violate HB 359..

6. Gallagher was concerned that BSB and its employees would
be subject to civil and criminal liability under HB 359 if the event went
forward as planned without assurance from Jawort that her talk would
not violate HB 359.

7. Gallagher attempted to call Jawort on June 1, 2023 to discuss
her scheduled talk to address BSB's concerns, but she did not speak with
him.

8. After Jawort's event was cancelled, BSB posted the following
message on its Facebook page:

In accordance with Governor Gianforte signing HB359 into
law, our county cannot allow an event where a drag king or
queen reads children's books and engages in other learning
activities with minor children present. Due to this law, we

have had to cancel the speaker at the Butte-Silver Bow Library that was scheduled for Friday.

9. On June 2, 2023, Gallagher sent a letter to Jawort discussing BSB's decision to cancel her talk and expressed interest in rescheduling Jawort's talk at the BSB Library with her "assurance and the appropriate parameters in place that the provisions of HB 359, while it remains the law, will not be violated."

10. Jawort has not attempted to reschedule her lecture at BSB Library.

11. Jawort did not give assurance that any lecture would comply with HB 359.

Signed this 20th day of November, 2023.

/s/ Constance Van Kley
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